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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,496	02/14/2002	Peter Van Hullen	VAN HULLEN-1 PCT	3228

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EXAMINER	
CABRERA, ZOILA E	

ART UNIT	PAPER NUMBER
2125	5

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application	Applicant(s)	
	10/069,496	VAN HULLEN, PETER	
	Examiner	Art Unit	
	Zoila E. Cabrera	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morgan et al. (US 5,379,237)** in view of **Takada (US 6,266,983)**.

Regarding claims 7, 10-11, **Morgan** discloses a method for making material defects in/on rod-shaped rolled material upon exiting from the finishing rolling stand (Col. 6, lines 5-17 and lines 28-31 please note that the tester A and marker 17 may be placed at any location of the manufacturing line; Fig. 1), in which the flawed spots are detected in the course of the rolling process (Abstract, lines 4-11) said information is supplied to a computer (Fig. 2A, element 46), the defective spots are identified and stored by the computer according to the type of defect and the location (Col. 7, lines 60-65), and the computer controls a marking device with the help of said data in such a way that the rod-shaped, finished material is marked in the site determined by the computer according to the respective type of defect (Col. 7, lines 60-65; Col. 6, lines 47-49; Fig. 2A, element 17).

- the marking takes place directly on the hot rolled material prior to the cutting to cooling bed lengths (Fig. 1, element 20; Fig. 2A element A and 17; Col. 6, lines 21-28);

- the marking takes place after the cutting to cooling bed lengths prior to/after the cutting to the length specified by the customer (Fig. 1, element 17).

Morgan discloses an automated system for controlling the quality of regularly shaped products during their manufacture including a marking station. However, **Morgan** does not disclose the use of ultrasound testing and/**or** inductive testing. But **Takada** discloses the use of ultrasound testing (Col. 15, lines 41-43; Abstract, lines 1-6). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Morgan** with **Takada** because it would provide continuous and high-reliability detection of flaws in a strip (**Takada,** Col. 6, lines 10-12) by using an ultrasonic testing apparatus for detecting internal flaws (Col. 6, lines 22-24).

2. Claims 8-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morgan et al.** and **Takada** as applied to claim 7 above and further in view of **Hoffman et al. (US 3,673,493).**

Morgan et al. and **Takada** disclose the limitations of claim 7 above but fail to disclose the limitations of claims 8-9 and 12-13. However, **Hoffman** discloses such limitations as follows:

- the defect evaluation or defect detection and the marking command take place only at the beginning of the material test after preset period of time depending on the final rolling speed (Col. 7, lines 7-12);

- the detected individual defects are summed up in the course of a preset period of time and the marking command is triggered only after a defined defect relevance level has been reached (Col. 7, lines 54-58; Fig. 2; Col. 7, lines 1-12);
- the marking is only a virtual marking carried out and stored by the computer program (Col. 1, lines 51-55);
- an automatic sorting out is carried out based on the marking by means of electronic or optical detection of the marking (Col. 1, lines 68-73).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Morgan** and **Takada** with the system of **Hoffman** because it would provide a highly sensitive defect detecting means which includes a probe adapted to scan a surface of the test member cyclically and further would provide differential comparators that classify the defects according to first and second level of defect severity (**Hoffman**, Col. 1, lines 63-70).

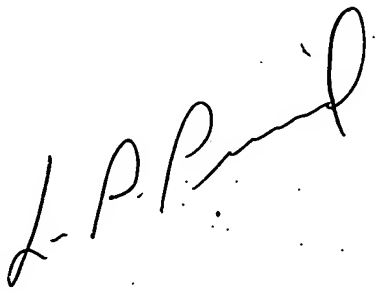
Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
4/16/04



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